

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2009-0089**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the County of San Diego (hereinafter "County") in connection with Administrative Civil Liability Complaint No. R9-2009-0089 (hereinafter "Complaint"). I am informed that Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the Complaint]. The person who has been issued a complaint may waive the right to a hearing."

☐ **(OPTION 1: Check here if the County waives the hearing requirement and will pay the liability.)**

- a. I hereby waive any right the County may have to a hearing before the Regional Board.
- b. I certify that the County will remit payment for the civil liability imposed in the amount of seventy-seven **thousand eight hundred dollars (\$77,800)** by check that references "ACL Complaint No. R9-2009-0089" made payable to the "State Water Resources Control Board." Payment must be received by the Regional Board by **January 4, 2010**, or this matter will be placed on the Regional Board's agenda for a hearing as initially proposed in the Complaint.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Board receive significant new information or comments from any source (excluding the Regional Board's Prosecution Team) during this comment period, the Regional Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Executive Officer of the Regional Board, and that the Regional Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the County having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the County to further enforcement, including additional civil liability.

☐ **(OPTION 2: Check here if the County waives the 90-day hearing requirement in order to engage in settlement discussions.)** I hereby waive any right the County may have to a hearing before the Regional Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the County will promptly engage the Regional Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Regional Board delay the hearing so that the County and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

☐ **(OPTION 3: Check here if the County waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)** I hereby waive any right the County may have to a hearing before the Regional Board within 90 days after service of the complaint. By checking this box, the County requests that the Regional Board delay the hearing and/or hearing deadlines so that the County may have additional time to prepare for the hearing. It remains within the discretion of the Regional Board to approve the extension.

\_\_\_\_\_  
(Print Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

## NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region  
Issuance of Administrative Civil Liability Order  
Against  
County of San Diego**

On November 30, 2009, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2009-0089 to the County of San Diego (County) in the amount of \$77,800 for alleged violations of Order No. 2007-0001, *NPDES No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority*. The County has elected to waive its right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$77,800 as set forth in the Complaint. The Regional Board may consider accepting the County's waiver at its February 10, 2010, meeting.

Written comments regarding the allegations contained in Complaint No. R9-2009-0089, and/or acceptance of the waiver, will be accepted through Monday, January 18, 2009.

The Regional Board's February 10, 2010, meeting will be at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please contact Frank Melbourn at (858) 467-2973, or at [fmelbourn@waterboards.ca.gov](mailto:fmelbourn@waterboards.ca.gov) or the Regional Board's web site at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego).

MICHAEL P. McCANN  
Assistant Executive Officer